IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 178 of 1999

Between:

Smt.H.Hanumakka, W/o.Sri Naga Lingappa,
Aged about 35 years, R/o.Kurugunta Village,
Anantapur Rural Mandal and District.

...PETITIONER

AND

1. The Mandal Revenue Officer,
   Anantapur Rural Mandal and District.

2. The District Collector,
   Anantapur, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of Mandamus declaring the action of the 1st respondent in proposing to assign the land admeasuring Ac.0.95 in Sy.No.132/4 and Ac.0.85 in Sy.No.132/5 of Kurugunta Village, Anantapur Rural Mandal and District in favour of the petitioner by the 1st respondent in DAR Dis.No.9/1405 issued in March, 1996 is subsisting and dispossessing of the petitioner for such purpose from the above said lands as illegal, irregular, arbitrary, unjustified, unwarranted, contrary to law, unconstitutional, unreasonable and unsustainable holding that the petitioner is entitled to possess and enjoy the land as per the patta granted to her vide proceedings DAR Dis.No.9/1405

issued in March, 1996 by the 1st respondent.

For the Petitioner: MR.P.VEERA REDDY, Advocate

For the Respondent Nos.1 &2: GP FOR REVENUE

The Court made the following :

ORAL ORDER

The petitioner was assigned land to an extent of Ac.0.95 and Ac.0.85 respectively in Sy.Nos.132/4 and 132/5 situated at Kurugunta village, Anantapur Rural Mandal and District . This writ petition is filed on the ground that the respondents-authorities are taking steps to evict the petitioner from the above said land and proposing to assign the same to the third parties without conducting any inquiry and without issuing any notice to the petitioner.

It is the case of petitioner that though he was assigned and he has developed the land by cultivating the same and on the ground that the said land is required for public purpose for providing house sites to needy persons, steps are being taken to evict the petitioner without issuing any notice and without conducting any inquiry. Further, it is the case of petitioner that when the assignment, granted infavour of the petitioner is intact, the respondents have no authority to interfere with the possession and to evict him from the above said land.

Counter-affidavit is filed by the Mandal Revenue Offficer,Annantapur Rural Mandal admitting the assignment made infavour of the petitioner with regard to the above said land of Ac.0.95 and Ac.0.85 respectively in Sy.No.132/4 and

132/5. Further, it is stated that no proceedings are initiated for cancellation or resumption of land and that the present writ petition is filed by the petitioner only an apprehension that the respondent-authorities will take over his land, as the adjacent land is taken over and made it into house plots.

Inasmuch as the assignment granted infavour of the petitioner is admitted, he is entitled to continue in possession and to cultivate the same. In that view of the matter, I dispose of the writ petition by observing that the petitioner is entitled to continue in possession of the land, which was assigned to him. However, it is made clear that no steps shall be taken to evict the petitioner, as otherwise than due process of law.

Subject to above observation, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR

//TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer,
   Anantapur Rural Mandal and District.
2. The District Collector, Anantapur, Anantapur District.
3. two C.D copies